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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

# Concluding observations of the Committee on the Elimination of Racial Discrimination

## Romania

1. The Committee considered the twelfth to fifteenth periodic reports of Romania (CERD/C/363/Add.1) at its 1336th and 1337th meetings (see CERD/C/SR.1336 and 1337), on 3 and 4 August 1999, and adopted, at its 1360th meeting (see CERD/C/SR.1360), on 19 August 1999, the following concluding observations.

## A. Introduction

2. The Committee welcomes the report submitted by the Government of Romania, together with the additional information provided by the delegation in reply to the questions and observations by members of the Committee during the oral consideration of the report. The Committee notes with appreciation the particular effort made to respond to concerns and requests for information expressed by the Committee on the occasion of the consideration of the previous periodic report in 1995.

## B. Positive aspects

3. Note is taken with satisfaction of the legislative measures adopted since the consideration of the previous periodic report which are relevant to the implementation of the Convention, such as the Act regulating the institution of the People's Advocate and its entry into operation, and also the Act regulating the status of refugees.

4. Note is taken with interest of the establishment within the Executive of a Governmental Department for the Protection of National Minorities. In connection with the Roma, note is taken of the establishment, within that Department, of the National Office for Roma and of the efforts made at the inter-ministerial level to coordinate policies i support of this minority.

5. The efforts made to put into practice human rights education programmes,

some of which are intended for law enforcement officials, are welcomed. Note is taken of the efforts to make the police more efficient and respectful of the rights of individuals in general and of minorities in particular.

6. The efforts aimed at facilitating access to mother-tongue education for members of national minorities are also welcomed.

7. Note is taken with interest of the increase in the number of persons belonging to national minorities who are members of the organs of the Legislature and the Executive, and also of local administrative bodies.

8. The Committee takes note with satisfaction of the submission to Parliament of bills for the ratification of the amendments to article 8, paragraph 6, of the Convention, approved at the fourteenth meeting of States parties to the Convention, and for approval of the declaration provided for in article 14 of the Convention.

## D. Principal subjects of concern

9. Concern is expressed that the provisions of Romanian legislation making punishable acts of racial discrimination by individuals, are not in full conformity with the provisions of article 2, paragraph 1 (d), of the Convention. The fact that legislation contains no clear prohibition of organizations which promote and incite racial discrimination, within the meaning of article 4 (b) of the Convention, is also unsatisfactory.

10. Another subject of concern is the persistence of xenophobic attitudes and prejudice against certain minorities within Romanian society, which manifest themselves on numerous occasions in various mass media.

11. The situation of Roma is a subject of particular concern since no improvements have been noted in the high unemployment rates and the low educational level traditionally predominant among members of this minority; this contributes to the continued unacceptable prevalence of the negative and stereotyped image of the minority in the rest of society. Given its disadvantaged situation in society, particular concern is caused by the absence of economic and social measures of the kind envisaged in article 2 (2) of the Convention in favour of this minority, Romania's current difficult economic situation notwithstanding.

## E. Suggestions and recommendations

12. The State party should adopt measures to include in legislation provisions which fully prohibit any act of racial discrimination by individuals, as provided for in article 2, paragraph 1 (d), of the Convention, and also any organization which promotes and incites racial discrimination, within the meaning of article 4 (b) of the Convention.

13. The Committee notes the limited number of cases of racial discrimination that have come before the organs administering justice. The Committee is of the opinion that the lack of more complaints and judicial decisions may indicate a lack of awareness of the existence of available legal remedies and of the protection against racial discrimination provided by the Convention. It suggests to the State party that it take measures to remedy that situation.

14. The Committee recommends that the State party take measures to prevent and punish racist practices in the mass media. In addition, adequate means should be found to ensure that the media constitute an instrument that helps to combat racial prejudice, particularly against the Roma, and fosters a climate of understanding and acceptance among the various groups which make up the country's population.

15. Measures of affirmative action should be adopted in favour of the Roma population, especially in the areas of education and vocational training, with

a view, inter alia, to placing Roma on an equal footing with the rest of the population in the enjoyment of economic, social and cultural rights, removing prejudices against the Roma population and enhancing its capacity in asserting its rights. A coordinated effort by the various State bodies competent in this area, working in conjunction with representatives of the Roma population, is required.

16. While noting the State party's statement that in view of the absence of any practices of racial segregation or apartheid it has not taken any action to prevent or eliminate such practices, the Committee nevertheless requests the State party to take into consideration its general recommendation XIX relating to article 3 of the Convention.

17. The training programmes for law enforcement officials on human rights in general and observance of the Convention in particular must be continued. In this connection, the Committee invites the State party's attention to the content of its general recommendation XIII.

18. The Committee suggests to the State party that it take measures to ensure the effective dissemination, including in the languages of the national minorities, of the provisions of the Convention, as well as its periodic report and the Committee's concluding observations.

19. The Committee recommends that the State party's next periodic report, due on 15 October 2001, be an updating report, and that it should address all the points raised in these concluding observations.

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